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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/650,092	08/28/2003	Adam David Mongeau	BLTC002/00US	5903

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EXAMINER

KING, ANITA M

ART UNIT PAPER NUMBER

3632

DATE MAILED: 09/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/650,092

Applicant(s)

MONGEAU, ADAM DAVID

Examiner

Anita M. King

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 July 2004.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
4a) Of the above claim(s) 9, 10 and 24-26 is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 1-8, 11-23, 27-29, 31 and 33-43 is/are rejected.
7) ☒ Claim(s) 30 and 32 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 28 August 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

This is the second office action for application number 10/650,092, Mount for an Input Device, filed on August 28, 2003.

Election/Restrictions

Applicant's election without traverse of species II in the reply filed on July 2, 2004 is acknowledged.

Claims 9, 10, and 24-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on July 7, 2004. The claimed subject matter of the above-mentioned claims is drawn to Figs. 6-8, which were not elected.

Drawings

The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: "173," a shaft. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement-drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified

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and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The disclosure is objected to because of the following informality: reference number "158" is used to designate "a first side" in paragraph 31, line 5 and "a first end portion" in paragraph 32, line 1.

Appropriate correction is required.

Claim Objections

Claim 28 is objected to because of the following informality: in line 2, "first " appears to be incorrect and should be --second--. Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 15 and 28 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

For example, there is an inconsistency between the language in the above-mentioned claim and the body of claim 27 from which it directly depends, thereby making the scope of the claim unclear. The body of claim 27 clearly indicates that a

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subcombination is being claimed, e.g., "a support member having a mount configured to couple a first device...". This language would lead the examiner to believe that the applicant intends to claim only the subcombination of "an apparatus comprising a support member and a clamp," the first device and the second device being only functionally recited. This presents no problem as long as the body of the claim also refers to the first device and the second device functionally.

The problem arises when the first device is positively recited as an element of the claimed invention in claim 28. The examiner cannot be sure if applicant's intent is to claim merely the apparatus or the apparatus in combination with the first device and the second device.

Applicant is required to clarify what the claims are intended to be drawn to, i.e., either the apparatus alone or the combination of the apparatus and the devices. Applicant should make the language of the claim consistent with applicant's intent. In formulating a rejection on the merits, the examiner is considering that the claims are drawn to the subcombination and the claims will be rejected accordingly. If applicant indicates by amendment that the combination claim is the intention, the language in the preamble should be made consistent with the language in the body of the claims. If the intent is to claim the subcombination, then the body of the claims must be amended to remove positive recitation of the combination.

Also, see claim 15 in regards to the further limiting of the input device being a keyboard.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3, 4, 8, 16, 18-20, 27, 29, 31, 36, and 41 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,091,886 to Nutting. Nutting discloses an apparatus (F), comprising: a support member (12); a mount (H) coupled to the support member and configured to removably retain a device without modification to the device; wherein the mount has a first retention member (71) and a second retention member or clamp (76), the first retention member and the second retention member are collectively configured to removably retain the device on the mount; wherein the first retention member is fixedly coupled to the mount, the second retention member is coupled to the mount is movably with respect to the first retention member between a first position and a second position, a distance between the first retention member and the second retention member when the second retention member is in its first position is greater than a distance between the first retention member and the second retention member when the second retention member is in its second position; and wherein the mount is pivotally coupled (@13) to the support member and is configured to pivot from a first position to a second position substantially perpendicular to the first position.

In regards to claims 27, 29, and 31, Nutting discloses an apparatus comprising; a support member (H) having a mount (14) configured to couple a first device and a

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clamp coupled to the support member and configured to removably retain a second device; wherein the clamp has a first retention member (71) and a second retention member (76), the first retention member and the second retention member are collectively configured to removably retain the device on the clamp; and wherein the clamp has a first elongate member (70, 71) and a second elongate member (76), the first elongate member is slidably coupled to the second elongate member.

Claims 1, 2, 7, 8, 11, 13-15, 17, and 22 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,779,922 to Cooper. Cooper discloses an apparatus (10), comprising: a support member (14); a mount (16) coupled to the support member and configured to removably retain an input device (17) without modification to the input device; the mount being a first mount, the apparatus further comprising a second mount (18) coupled to the support member and configured to couple to an output device (19); wherein the mount is pivotally coupled to the support member and is configured to pivot from a first position to a second position substantially perpendicular to the first position; wherein the mount is configured to removably retain an input device for a therapeutic apparatus; wherein the mount is configured to contact a first side of the input device (the front side of 17) and a second side (the bottom surface of 17) of the input device, the second side of the input device is opposite the first side of the input device; wherein the input device is a keyboard that includes a plurality of keys, the mount is configured to removably retain the keyboard such that the plurality of keys of the keyboard are positioned to be used by a user; and wherein the mount is slidably coupled to the support member in a first direction (sliding up the mount 14), a second direction (sliding

down the mount 14) opposite from the first direction, and a third direction (pivoting at 72) different from the first direction and the second direction.

Claims 1-4, 6, 8, 11-15, 16-19, 23, 27-29, 34-37, 40, 42, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 4,844,387 to Sorgi et al., hereinafter, Sorgi. Sorgi discloses an apparatus, comprising: a support member (11); a mount (109) coupled to the support member and configured to removably retain an input device without modification to the input device; the mount being a first mount, the apparatus further comprising a second mount (23) coupled to the support member and configured to couple to an output device; wherein the mount has a first retention member (Fig. 3, upwardly angled flange of element 23) and a second retention member (111), the first retention member and the second retention member are collectively configured to removably retain the input device on the mount; wherein the first retention member is fixedly coupled to the mount, the second retention member is coupled to the mount and is movably with respect to the first retention member between a first position and a second position, a distance between the first retention member and the second retention member when the second retention member is in its first position is greater than a distance between the first retention member and the second retention member when the second retention member is in its second position; a first elongate member (23) and a second elongate member (109), the first elongate member is slidably coupled to the second elongate member, at least one of the first elongate member and the second elongate member configured to retain the input device on the mount; wherein the mount is configured to removably retain an input device for a therapeutic

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apparatus; wherein the mount is configured to contact a first side of the input device and a second side of the input device, the second side of the input device is parallel or opposite to the first side of the input device; wherein the input device is a keyboard that includes a plurality of keys, the mount is configured to removably retain the keyboard such that the plurality of keys of the keyboard are positioned to be used by a user;

In regards to claims 27-29, 34, and 35, Sorgi discloses an apparatus, comprising: a support member having a mount (top surface of 23) configured to couple a first device; a clamp (109) coupled to the support member and configured to removably retain a second device, the second device being an input device associated with the first device; wherein the first device is an output device associated with the first device; wherein the clamp has a first retention member (111) and a second retention member (flange of element 23), the first retention member and the second retention member are collectively configured to removably retain the input device on the clamp; wherein the mount is configured to couple to an output device associated with a therapeutic apparatus, the clamp is configured to removably retain an input device associated with the therapeutic apparatus; and wherein the clamp is configured to contact a first side of the input device and a second side of the input device, the second side of the input device is opposite the first side of the input device.

In regards to claims 42 and 43, Sorgi inherently teaches the method of positioning an input device on a mount, comprising the steps of: moving the second retention member of the mount from a first position to the second position; disposing the input device between the first retention member of the mount and the second retention

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member of the mount; positioning the second retention member of the mount from the second position to a third position; and pivoting the mount and the input device from a first orientation to a second orientation substantially perpendicular to the first orientation.

Claims 1, 3-6, 8, 11-13, 16, 18-21, 23, 36, 38, 39, and 41-43 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 5,769,369 to Meinel. Meinel discloses an apparatus, comprising: a support member (22, 34); a mount (14) coupled to the support member and configured to removably retain an input device (12) without modification to the input device; wherein the mount has a first retention member (16, bottom Fig. 3), and a second retention device (16, top Fig. 3), the first retention member and the second retention member are collectively configured to removably retain the input device on the mount; wherein the first retention member is fixedly coupled to the mount, the second retention member is coupled to the mount and is movable with respect to the first retention member between a first position and a second position, a distance between the first retention member and the second retention member when the second retention member is in its first position is greater than a distance between the first retention member and the second retention member when the second retention member is in its second position; wherein the second retention member is biased (using 20) to its second position; wherein the mount has a first elongate member (14) and a second elongate member (16), the first elongate member is slidably coupled to the second elongate member, at least one of the first elongate member and the second elongate member configured to retain the input device on the mount; wherein the mount is pivotally coupled (@24) to the support member and is configured to pivot from a first

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position to a second position substantially perpendicular to the first position; wherein the mount is configured to removably retain an input device for a therapeutic apparatus; and wherein the mount is configured to contact a first side of the input device and a second side of the input device, the second side of the input device is parallel or opposite from the first side of the input device.

In regards to claims 42 and 43, Meinel inherently teaches the method of positioning an input device on a mount, comprising the steps of: moving the second retention member of the mount from a first position to the second position; disposing the input device between the first retention member of the mount and the second retention member of the mount; positioning the second retention member of the mount from the second position to a third position; and pivoting the mount and the input device from a first orientation to a second orientation substantially perpendicular to the first orientation.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-29 and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent 5,918,841 to Sweere et al., hereinafter, Sweere and in view of U.S. Patent 6,491,268 to Channer et al., hereinafter, Channer. Sweere discloses an apparatus, comprising: a support member (1200) having a mount (24) configured to

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couple to a first device; wherein the first device is an output device (216); and a platform (1010) for supporting a second device being an input device associated with the first device.

Sweere discloses the claimed invention except for the limitation of a clamp coupled to the support member. Channer teaches that it is known to have an apparatus comprising a support member (1) having a mount (3) configured to couple a device (2); a clamp (7) coupled to the support member and configured to removably retain the device, the device being an input device; wherein the clamp has a first retention member and a second retention member, the first and second retention members are collectively configured to removably retain the input device; wherein the clamp is pivotally coupled to the support member and is configured to pivot from a first position to a second position, at least one of the first position and the second position being substantially vertical. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have modified the support member in Sweere to have included the clamps as taught by Channer for the purpose of clamping the input device to the support member in an effort to prevent the input device from sliding off the support member during use of the apparatus.

Allowable Subject Matter

Claims 30 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Patent 4,165,856 to Wiseheart

U.S. Patent 4,848,710 to Newman

U.S. Patent 4,938,441 to Hannah et al.

U.S. Patent 4,974,808 to Ball

U.S. Patent 5,040,760 to Singer

U.S. Patent 5,108,063 to Koerber, Sr. et al.

U.S. Patent 5,630,566 to Case

U.S. Patent 5,979,940 to Araghi

U.S. Patent 6,394,402 to Coonan et al.

U.S. Patent 6,470,809 to Herbert

U.S. Patent 6,604,720 to Wilson

Wiseheart discloses an adjustable easel having a flat surface board and work holding clamps. Newman discloses a support device for the monitor and keyboard of a personal computer. Hannah et al. disclose a slide plate adjustment mechanism for a keyboard support. Ball discloses a corner-mounting unit for a computer. Singer discloses a support for a keyboard for a computer resting on spaced apart feet on a narrow support surface. Koerber, Sr. et al. disclose an extendible and retractable computer-mounting arm for mounting a computer. Case discloses a portable ergonomic workstation. Araghi discloses a book holding apparatus. Coonan et al. disclose a

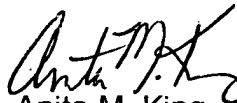
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vertically adjustable mobile computer workstation. Herbert discloses an adjustable holding device for supporting computers in motor vehicles. Wilson discloses a portable PC workstation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita M. King whose telephone number is (703) 308-2162. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Leslie A. Braun can be reached on (703) 308-2156. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Anita M. King
Primary Examiner
Art Unit 3632

September 15, 2004